

01-26-01



Patent  
259/181



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 259/181  
First Named Inventor: ALISON, Malcolm  
Prior Application Information:  
Serial No. 09 256,630  
Examiner: Jill Martin  
Art Unit: 1632

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D. C. 20231

### FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/256,630 filed on February 23, 1999, by

**Alison, et al.**, entitled:

### COMBINATIONS AND METHODS FOR PROMOTING IN VIVO LIVER CELL PROLIFERATION AND ENHANCING IN VIVO LIVER-DIRECTED GENE TRANSDUCTION

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

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### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL360339148US  
Express Mail Label No.

January 24, 2001  
Date of Deposit

Rick Moreno  
Name of Person Mailing Paper

*Rick Moreno*  
Signature of Person Mailing Paper

## I. APPLICATION ELEMENTS ENCLOSED

28 Page(s) of Written Description

3 Page(s) of Claims

1 Page(s) of Abstract

3 Sheet(s) of Drawings       formal       informal

6 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy of the declarations filed in the prior application [37 CFR §1.63(d)] Serial No.09 256,630 on November 29, 2000 and January 24, 2001.

Other:

- A copy of the assignment to Amgen and a copy of the assignment to Imperial College Innovations Ltd. filed in the prior application Serial Number 09/256,630.
- An Information Disclosure Statement, PTO 1449,  with copies of cited items.
- Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i), Applicant must attach form PTO/SB/35.

## II. FEE CALCULATION

<b>BASIC FILING FEE:</b>					\$710.00
Total Claims	-	20	=	0	X \$18.00      \$0.00
Independent Claims	-	3	=	0	X \$80.00      \$0.00
Multiple Dependent Claims	\$270	(if applicable)		<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>					\$710.00
Reduction by $\frac{1}{2}$ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.					<input type="checkbox"/> \$0.00
Misc. Filing Fees (Recordation of Assignment)					\$0.00
<b>TOTAL FEES DUE HEREWITH</b>					\$710.00

## III. PRIORITY - 35 USC § 119

- Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ Country is claimed under 35 USC § 119.
- The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- The certified copy will follow.

#### IV. AMENDMENTS

- Cancel in this application original Claims 1-25 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

#### V. RELATE BACK - 35 USC § 120

- Relate back information included in preliminary amendment or specification.
- Please amend the specification as follows:

This application is a continuation of Serial No. 09/256,630, filed February 23, 1999.

- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

[Name(s) of inventor(s) to be deleted]

#### VI. FEE PAYMENT BEING MADE AT THIS TIME

- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]
- Attached.

<input checked="" type="checkbox"/>	Filing fees.	<u>\$710.00</u>
<input type="checkbox"/>	Recording assignment. [ <b>\$40.00</b> 37 CFR § 1.21(h)(1)]	-----
<input type="checkbox"/>	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. [\$130.00; 37 CFR §§ 1.47 and 1.17(h)]	-----
<input type="checkbox"/>	Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.) [\$130.00; 37 CFR §§ 1.103 and 1.17(i)]	-----
<input type="checkbox"/>	For processing an application with a specification in a non-English language. [\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)]	-----
<input type="checkbox"/>	Processing and retention fee. [\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)]	-----

Total Fees Enclosed \$710.00

## VII. METHOD OF PAYMENT OF FEES

- Attached is a check in the amount of \$710.00.
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \_\_\_\_\_.

## VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Lyon & Lyon's Deposit Account No. **12-2475** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **12-2475**:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))
- 37 CFR § 1.21 (Assignment recordation fees)

## IX. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on May 21, 1999, in prior application Serial No. 09/256,630 in combination with the Declaration.
- A new power has been executed and is attached.

Please send all correspondence to Customer Number 22249:



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071

Please direct all inquiries to **Michael J. Wise**, at (213)489-1600.

## X. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**XI. ABANDONMENT OF PRIOR APPLICATION**

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

LYON & LYON LLP

Dated: January 24, 2001

By: Michael J. Wise  
Michael J. Wise  
Reg. No. 34,047

Enclosures

Amgen, Inc.

Name of Assignee

One Amgen Center Drive, Thousand Oaks, California 91320

Address of Assignee

Imperial College Innovations, Ltd.

Name of Assignee

London SW7 2AZ

Address of Assignee

Assignments recorded in PTO on Unassigned, Reel Unassigned, Frame Unassigned